

REMARKS

This Amendment is responsive to the non-final Office action dated July 23, 2007, setting forth a shortened three-month statutory deadline for reply expiring on October 23, 2007. This Response is filed on October 23, 2007; thus, no petitions and fees for an extension of time are required.

The Assignee thanks the Examiner for reviewing this application and issuing of an Office action.

Claims 1-3 and 7-24 are pending in this application with claims 1, 9, 13, 17 and 19 being independent claims. Claims 1, 8, 9, 12 and 16 are amended. Accordingly, after entry of this Amendment and Response, claims 1-3 and 7-24 will remain pending with claims 1, 9, 13, 17 and 19 being independent claims.

I. Objections to the Declaration

The Examiner objects to the oath/declaration because the full name (family name and at least one given name together with any initial) of inventor C.J. King was not set forth in the original Declaration. In response, a Supplemental Declaration executed by Christopher J. King accompanies this Amendment and Response. Under the provisions of 37 C.F.R. § 1.67(a)(2), the Supplemental Declaration is executed only by Christopher J. King since the deficiency related only to him. As required by 37 C.F.R. § 1.67(a)(2), the other inventors are identified in this Supplemental Declaration. The Assignee respectfully submits that the Supplemental Declaration overcomes the Examiner's objection to the Oath/Declaration and respectfully requests the Examiner withdraw this objection.

II. Claim Rejections Under § 102(b)

Claims 1, 3, 7-11 and 15-16 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Publication No. 2002/0095820 to Giovale (hereinafter "Giovale"). For at least the following reasons, the Assignee respectfully disagrees with these rejections.

Independent claim 1 is amended to recite "the titanium portion comprising: a bottom including a perimeter; and an outer wall extending from the bottom along at least a substantial portion of the perimeter." Independent claim 11 is amended to recite a similar limitation. Support for these claim amendments may be found at least in Fig. 5, which shows an outer wall

312 extending from a bottom 314 of the titanium portion along the bottom's perimeter. Giovale does not teach or suggest such a limitation.

With reference to Fig. 1 in Giovale, Giovale shows tabs 26a and 26b and heel bales 42a and 42b extending from toe 12 and heel 14 pieces, respectively, of traction system 10. The Assignee assumes that the Examiner considers tabs 26a and 26b and heel bales 42a and 42b to be the equivalent of the outer wall recited in claims 1 and 9 and toe and heel pieces 12 and 14 to be the equivalent of the bottom recited in these claims. However, neither the tabs 26a and 26b nor the heel bales 42a and 42b are shown or described as extending substantially along the perimeter of their respective toe or heel pieces 12 and 14 as recited in independent claims 1 and 9. Since Giovale, for at least the foregoing reasons, fails to teach or suggest each and every limitation recited in claims 1 and 9, the Assignee respectfully submits that these independent claims are patentable over Giovale and respectfully requests that the Examiner withdraw the rejections to these claims and allow them.

Claims 3, 7, 8, 10, 11, 15 and 16 all depend, either directly or indirectly, from one of independent claims 1 and 9. Since each of these claims depends from a patentably distinct independent claim, the dependent claims are themselves patentable. Accordingly, the Assignee respectfully requests the Examiner withdraw her rejections and allow these claims. The Assignee makes this statement without reference to or waiving the independent bases of patentability within the dependent claims.

III. Claim Rejections Under § 103(a)

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovale. For at least the following reasons, the Assignee respectfully disagrees with these rejections.

For at least the reasons set forth in more detail in Section II, independent claim 1 is patentable over Giovale. Claim 2 depends from independent claim 1. Since this claim depends from a patentably distinct independent claim, this claim is patentable. Accordingly, the Assignee respectfully requests the Examiner withdraw her rejection and allow this claim. The Assignee makes this statement without reference to or waiving the independent bases of patentability within the dependent claim.

IV. Allowable Subject Matter

The Assignee thanks the Examiner for indicating claims 13, 14 and 17-24 are allowed.

The Assignee also thanks the Examiner for indicating that claim 12 is allowable if rewritten in independent form to include all limitations of its base and intervening claims. For at least the reasons set forth in more detail in Section II, independent claim 1 is patentable over Giovale. Claim 12 depends indirectly from independent claim 1. Since this claim depends from a patentably distinct independent claim, this claim is patentable. Accordingly, the Assignee respectfully requests the Examiner withdraw her objection and allow this claim. The Assignee makes this statement without reference to or waiving the independent bases of patentability within the dependent claim.

V. Amendments to Claims 8, 12 and 16

Claims 8, 12 and 16 depend, either directly or indirectly, from independent claim 1. Each claim is amended to make each claim consistent with the amendments made to independent claim 1. The Assignee respectfully submits that each of the these claims properly depends from independent claim 1 and respectfully requests that the Examiner enter the amendments to these claims.

VI. Conclusion

After entry of the above remarks and amendments, claims 1-3 and 7-24 remain in the application. In accordance with the amendments and arguments set forth herein, the Assignee respectfully submits the application and all claims are in condition for allowance, and requests such prompt allowance.

The Assignee believes no fees or petitions are required. However, should any such fee or petition be required, please consider this as authorization therefor and please charge such fees to Deposit Account No. 04-1415.

Should any issues remain that the Examiner believes may be dealt with in a telephone conference, the Examiner is invited to contact the undersigned at (303) 629-3400.

Dated: October 23, 2007.

Respectfully submitted,



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